



Zoning Administrator NOTICE OF DECISION

Date: February 6, 2014
Applicant: J&J Essentials, LLC
Case No.: PCC-13-043
Address: 35 North Fourth Avenue
Project Planner: Caroline Young

Notice is hereby given that on February 6, 2014, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-13-043, filed by J&J Essentials, LLC ("Applicant"). The Applicant requests to allow the operation of a cage free dog day care and boarding facility, named "Camp Run-A-Mutt", within an existing building. The Project is located at 35 North Fourth Avenue ("Project Site") and is owned by Chula Linda LLC ("Property Owner"). The Project Site is zoned Central Commercial (CC) and has a General Plan designation of Commercial Retail (CR). The Project is more specifically described as follows:

The Project includes the requests to allow the operation of a cage free dog day care and boarding facility, named "Camp Run-A-Mutt", within an existing building. The operation will include boarding, grooming, dog wash, dog exercise, dog training, minor dog related retail items for sales, and an outdoor play area with a splash pool. The outdoor play area will be located in the rear of the building with four separate gated areas for the dogs. For overnight boarding, employees will be monitoring the dogs inside the building at all times. The site is located within a commercial zone and is surrounded by other commercial and industrial uses on all sides of the property.

Exterior changes to the building consist of painting the building trim with a "white" paint color and painting the masonry wall and roll up doors with "startling orange" paint color. A new trash enclosure will be provided that meets the current code regulations.

Planning staff has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a categorical exemption pursuant to Section 15332 of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code (CVMC), has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080. A Dog Daycare is considered to be a similar use as a "veterinary clinic". Therefore, a Dog Daycare shall be allowed subject to a Conditional Use Permit whenever a "veterinary clinic" is allowed or conditionally permitted within the underlying zone.

- 1. That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.**

The proposed operation of a cage free dog day care and boarding facility will provide a necessary and convenient service to surrounding residential neighborhoods. The nearest dog day care is located in the Eastlake Planned Community in the eastern portion of the City. The provision of these goods and services in proximity to home and work contributes to the general well-being of the neighborhood and community by allowing residents to complete necessary, routine errands without the additional traffic generation of driving longer distances.

- 2. That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety or general welfare of the residents or workers nor to property or improvements in the area. The characteristics of the proposed use and its operation do not have features that could have detrimental effects since it is located within a commercial zone and is surrounded by other commercial and industrial uses on all sides of the property. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista.

- 3. That the proposed use will comply with the regulations and conditions specified in the code for such use.**

The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-13-043.

- 4. That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.**

The General Plan designates the site as Commercial Retail (CR). This finding is met because the Chula Vista Municipal Code designates the site for commercial. Thus, the proposed project is consistent with the General Plan land use Commercial Retail (CR) designation and will not adversely affect implementation of the General Plan.

Approval of PCC-13-043 is conditioned upon the following:

I. Within 60 days or prior to the issuance of any building permit, the applicant shall satisfy the following requirements:

1. The property owner and the applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the property owner and applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the property owner/applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Authorized Representative

Date

Development Planning Division Conditions:

2. The Applicant shall obtain approval of a sign permit for each sign by the Development Services Department. Signs shall comply with all applicable requirements of the Municipal Code.
3. The Project shall comply with Chula Vista Municipal Code Section 6.08., Keeping Commercial Cats, Dogs, Poultry and Rabbits.

Land Development Division Conditions:

4. The following fees will be required based on the final building plans submitted per the Master Fee Schedule:
 - a. Sewer Connection and Capacity Fees (if connecting sewer)
 - b. Traffic Signal Fee (if adding trips)
 - c. Western Transportation Development Impact Fees (WTDIF)
 - d. Other Engineering Fees as applicable per attached Master Fee Schedule

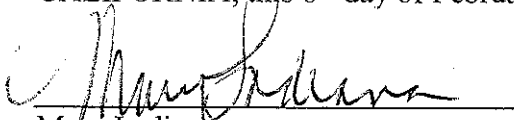
Fire Department Conditions:

5. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), Mechanical Code, and Residential Code as adopted and amended by the State of California and the City of Chula Vista.

6. Prior to the building permit approval, the garage proposed for the employee parking shall be separated from the rest of building in accordance with CBC Ch.5 on the building permit plans.
 7. Existing egress doors shall comply with egress requirements of the CBC regulations.
 8. Building shall be provided with a Knox Vault at the main entrance.
 9. The building shall be addressed in accordance with the following criteria:
 - 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
 - 151ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke
- II. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.
1. The Applicant shall maintain the Project in accordance with the approved plans for PCC-13-043, on February 6, 2014, which includes a site plan and architectural elevations on file in the Planning Division, the conditions contained herein, and Title 19.
 2. Hours of operation for the facility shall be limited to 6:00 a.m.-7:00 p.m. Monday-Friday, 8:00 a.m.-5:00 p.m. Saturday, 8:00 a.m.-5:00 p.m. Sunday, in addition to overnight boarding for the Camp Run-A-Mutt business. The hours of operation may be amended by the Zoning Administrator upon request.
 3. The Applicant shall continue to maintain the existing perimeter landscape in a viable healthy condition.
 4. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this conditional use permit.
 5. The Applicant and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant successors and assigns.

6. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 6th day of February 2014



Mary Ladiana
Zoning Administrator